

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6295**

**BILL NUMBER:** HB 1063

**NOTE PREPARED:** Nov 26, 2002

**BILL AMENDED:**

**SUBJECT:** Whistle Blower Protections for DOC Employees.

**FIRST AUTHOR:** Rep. Foley

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** This bill includes within the current whistle blower statute employees of the Department of Correction who report violations of Department directives, policies, or other internal guidelines. It defines "employer" for purposes of enforcing the whistle blower statute.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** Under current law, employers commit a Class A infraction if they unjustly dismiss, withhold salary increases, reassign, transfer, deny a promotion, or demote a person for reporting in writing any violations of federal, state, or local laws or regulations. This bill would also protect employees reporting in writing a violation of a rule or policy of a correctional facility.

Also under current law, the term "employer" is not defined. This bill would define an employer as a person who has the "authority" under IC 4-21.5-1-5 to dismiss, withhold salary increases, reassign, transfer, deny a promotion, or demote a person for reporting a violation.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 232-9852